

REMARKS

Claims 1-31 and 37-41 are pending in the current application. Claims 1, 7, 14, 19, 25, 32 and 37-41 are independent claims. Claims 39-41 are added by this Amendment. Applicant hereby acknowledges the election of Group I made during a telephone conversation between the Examiner and Applicant's representative Dean Tricarico on 1/17/08. Accordingly, claims 32-36 are withdrawn.

35 U.S.C. §103(a) Linskog in view of Scherzer

Claims 1-31 and 37-41 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Publication No. 2006/0120322 ("Linskog") in view of U.S. Patent No. 6,901,062 ("Scherzer"). Applicant respectfully traverses this art grounds of rejection.

Linskog is directed to a method and arrangement in a communication system wherein channel resources are allocated to requesting mobile stations based on a predetermined rule. The Examiner alleges that Linskog discloses "assigning a second sub-code derived from the first code to support a supplemental channel to the second subscriber station" as recited in independent claim 1 substantially within paragraphs 28, 30, 37 and 44 of Linskog (See Pages 4-5 of the Office Action). Applicant respectfully disagrees.

In paragraph [0028], Linskog discusses the general rule of Walsh codes regarding their orthogonal nature; namely, that lower-level branches of an assigned Walsh code in a code tree cannot be assigned due to the resultant conflict, whereas non-conflicting branches can be assigned in parallel. In paragraph [0030], Linskog discusses that higher-level Walsh codes are valuable resources, and that conventional Walsh code allocation methodologies attempt to optimize Walsh code assignments by assigning available sub-codes or lower-level codes in the code tree that have parent codes that are unavailable for assignment. In paragraph [0031],

Lindskog discusses that a weakness of the conventional Walsh code allocation is the dynamic nature of code assignments, and that the conventional allocation fails to take into account when future resources will become available.

In paragraph [0037], Lindskog describes the general structure of a binary code tree, focusing on C41-C44 each having two lower-level resources available (i.e., C41 has C81 and C82, etc.). In paragraph [0044], Lindskog describes a method of taking an expected time of parent node availability into account in the code tree in determining which Walsh code to assign.

As evidenced by the above-description of Lindskog, Applicant has reviewed each of paragraphs 28, 30, 37 and 44 and fails to see how Lindskog discloses or suggests “assigning a second sub-code derived from the first code to support a supplemental channel to the second subscriber station”. Nothing in Lindskog pertaining to the conventional algorithm described in paragraphs 28-30, nor the time-factored algorithm described later, appears to be related to assigning a lower-level code or sub-code of a code assigned to a first mobile station as a supplemental code for a second mobile station. Indeed, Lindskog does not disclose anything related to supplemental, or secondary, channels, such as assigning more than one channel with different Walsh codes to the same mobile station. Applicant can only presume that each mobile station in Lindskog is assigned a single Walsh code to handle all of its communications as there is no reason to assume otherwise.

Accordingly, Applicant respectfully submits that Lindskog fails to disclose or suggest “assigning a second sub-code derived from the first code to support a supplemental channel to the second subscriber station” as recited in independent claim 1 and similarly recited in independent claims 7, 14, 19, 25 and 37-38. Further, Applicant notes that the Examiner cites to Scherzer “for a direct reference to multiple mobile stations” (See Page 5 of the Office Action). However, a review of Scherzer indicates that Scherzer is insufficient to cure the suggestion and

disclosure deficiencies of Lindskog as discussed above with respect to independent claims 7, 14, 19, 25 and 37-38.

As such, claims 2-7, 8-13, 15-18, 20-24 and 26-31, dependent upon independent claims 1, 7, 14, 19 and 25, respectively, are likewise allowable over Lindskog in view of Scherzer at least for the reasons given above with respect to independent claims 1, 7, 14, 19 and 25, respectively.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Further, Applicant submits that newly added independent claims 39-41 are allowable for reasons similar to those discussed above with respect to independent claims 1, 7, 14, 19 and 25.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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